

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

ALLEN P. GOLDEN,

Petitioner,

v.

2:15-CV-178

ANTOINE COLDWELL, Warden,

Respondent.

ORDER

On January 20, 2017, this Court adopted the Magistrate Judge's report and recommendation dismissing Petitioner Allen P. Golden's habeas petition. Dkt. No. 26 ("[T]he Court adopts the Magistrate Judge's Report and Recommendation as the opinion of the Court" (emphasis omitted)). In turn, that report and recommendation suggested denying Golden leave to appeal *in forma pauperis* and a Certificate of Appealability. Dkt. No. 23 at 10-11. Nevertheless, Golden moved this Court for a Certificate of Appealability on February 15, 2017. Dkt. No. 28.


The Court liberally construes this motion as one for reconsideration of the Court's previous order. See Knuckles v. Wells Fargo Home Mortg., No. CV 116-145, 2016 WL 5897783, at *1 (S.D. Ga. Sept. 16, 2016). The motion will be denied.

Reconsideration is "an extraordinary remedy, which should be granted sparingly." Deep Sea Fin., LLC v. QBE Ins., Ltd., No. CV 410-219, 2013 WL 1288972, at *2 (S.D. Ga. Mar. 27, 2013) (quoting Whitesell Corp. v. Electrolux Home Prods., Inc., No. CV 103-050, 2010 WL 4025943, at *7 (S.D. Ga. Oct. 13, 2010)). A court "must balance the need for finality and judicial economy against the need to render just decisions." Id. (quoting Whitesell Corp., 2010 WL 4025943, at *7). Reconsideration "should not be used to relitigate issues which have already been found lacking." Id. (quoting Whitesell Corp., 2010 WL 4025943, at *7). It is only appropriate given a change in the law, new evidence, or "the need to correct a clear error of law or prevent manifest injustice." Id. (quoting Whitesell Corp., 2010 WL 4025943, at *7).

Golden does not claim any change in the law or new evidence. His arguments are a mix of old ones the Court has already rejected and has not been convinced are incorrect in any way, and new glosses that cannot now be raised. Adler v. Wallace Computer Servs., Inc., 202 F.R.D. 666, 675 (N.D. Ga. 2001) ("[A] reconsideration motion may not be used to offer new legal theories . . . that could have been presented in conjunction with the previously filed motion or response, unless a reason is given for failing to raise the issue at an earlier stage in the litigation.").

For these reasons, Golden's motion for a Certificate of Appealability, dkt. no. 28, is **DENIED**. The Clerk is **DIRECTED** to cause a copy of this Order to be served on Golden.

SO ORDERED, this 13th day of March, 2017.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA